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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)	No. CR-11-00522 SBA
)	
11 Plaintiff,)	
)	STIPULATED REQUEST TO CONTINUE
12 v.)	SENTENCING HEARING DATE TO
)	JUNE 13, 2012 FOR AN EVIDENTIARY
13 JAMAR MADDUX,)	HEARING AND ORDER
)	
14 Defendant.)	Hearing Date: June 7, 2012
)	Time: 11:00 a.m.
15)	
16)	

17 The above-captioned matter was set on April 6, 2012 before this Court for a sentencing
18 hearing. The Court decided that an evidentiary hearing was necessary to resolve a dispute
19 regarding the applicable sentencing Guidelines range. The evidentiary hearing date is currently
20 set for June 7, 2012. The parties jointly request that the Court continue this matter to June 13,
21 2012, at 1 p.m., for an evidentiary hearing.

22 In September 2009, this Court sentenced Mr. Maddox to 24 months in the custody of the
23 Bureau of Prisons after he pleaded guilty to being a felon in possession of a firearm. Near the
24 end of his sentence, in February 2011, the Bureau of Prisons transferred Mr. Maddox to Geo
25 Care, a residential reentry center, in Oakland, California. On May 24, 2011, Mr. Maddox fled
26 from the facility and the government charged him with escape from custody, a violation of 18

1 U.S.C. § 751(a). Mr. Maddox pleaded guilty to this charge at his first district court appearance.
2 He has no plea agreement with the government.

3 The parties dispute the application of an enhancement under the sentencing guidelines.
4 After reviewing the parties' sentencing papers and the probation office's Pre-Sentence
5 Investigation Report, the Court determined that an evidentiary hearing was necessary to resolve
6 the dispute. The parties anticipate that the hearing will last approximately three hours. The
7 parties further stipulate and agree that the following witnesses will appear at the hearing without
8 the need for a subpoena:

9 GEO care staff member Michael Paladini
10 GEO care staff member Joyce Nguyen
11 Deputy United States Marshal Rabanal
12 Deputy United States Marshal Siegel
Federal Public Defender Investigator Frank Tamburello
Federal Public Defender Investigator Madeline Larsen

13 The evidentiary hearing was originally set for May 29, 2012. The Court vacated this date
14 and reset the matter to June 7, 2012. Because the defense has a conflict with this new date, the
15 parties stipulate and agree that it is appropriate to continue the evidentiary hearing in this matter
16 to June 13, 2012. Counsel for Mr. Maddox conferred with the United States Probation Office
17 regarding this stipulation. The probation officer assigned to this case is available to appear on
18 that date. For these reasons, the parties request that the Court set this matter for an evidentiary
19 hearing on June 13, 2012 at 1:00 p.m.

20 Because this is a sentencing stipulation, and because Mr. Maddox has already pleaded
21 guilty, the parties agree that the Speedy Trial Act does not apply.

22 DATED: May 31, 2012

/S/
BRIAN C. LEWIS
Assistant United States Attorney

24 DATED: May 31, 2012

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

1 **ORDER**

2 Based on the reasons provided in the stipulation of the parties above, and for good cause,
3 the Court hereby FINDS:


4 1. Given that an evidentiary hearing is necessary to resolve a sentencing Guidelines
5 dispute;

6 2. Given that the parties and probation office are available on June 13, 2012; and

7 3. Given that Mr. Maddox pleaded guilty and that the Speedy Trial Act does not
8 apply;

9 Based on these findings, IT IS HEREBY ORDERED that the evidentiary hearing date of,
10 June 7, 2012, scheduled at 11:00 a.m., before the Honorable Saundra Brown Armstrong, is
11 vacated and reset for June 13, 2012 at 1 p.m.

12 May 31, 2012

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14 SAUNDRA BROWN ARMSTRONG
15 United States District Judge
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